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6 Attorneys for Plaintiff
7 Taras Volgemut

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11
12 Taras Volgemut, an individual,

13 Plaintiff,

14 v.

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16 Dieter P. Abt, an individual,

17 Defendant.
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Case No. 2:12-cv-06678-JCG

TARAS VOLGEMUT'S AMENDED
REQUEST FOR DEFAULT
JUDGMENT BY CLERK

1 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

2 Plaintiff Taras Volgemut has requested pursuant to Federal Rules of Civil
3 Procedure 55(a) that the Clerk of the above-entitled Court enter default in this matter
4 against defendant Dieter P. Abt on the ground that said defendant has failed to
5 appear or otherwise respond to the complaint within the time prescribed by the
6 Federal Rules of Civil Procedure. Plaintiff served the complaint on defendant Dieter
7 P. Abt on September 10, 2012, via substitute service, evidenced by the proof of
8 service of summons on file with this Court [Docket # 5]. The above stated facts are
9 set forth in the accompanying declaration of Julie J. Roback, filed herewith. Default
10 was entered on October 26, 2012.

11 Plaintiff Taras Volgemut hereby requests a default judgment by Clerk be
12 entered against defendant Dieter P. Abt pursuant to Rule 55(b)(1) of the Federal
13 Rules of Civil Procedure based on the following:

14 1. Entry of clerk's default: An entry of default based on Defendant's
15 failure to respond or appear has been entered by the Clerk in this matter.

16 2. Proof required for clerk's default judgment: The declaration of Julie J.
17 Roback filed herewith pursuant to the Central District Local Rule 55-1, establishes
18 proof of:

19 (a) a sum that can be made certain by calculation is due and owing plaintiff
20 Taras Volgemut by said defendant Dieter P. Abt (calculation of the 9% interest as of
21 today's date on the principal loan of \$1,000,000.00 is set forth in detail in the
22 declaration of Julie J. Roback);

23 (b) pursuant to a contract claim (the Loan Agreement entered into by Plaintiff
24 and Defendant is attached to the declaration of Julie J. Roback as Exhibit A);

25 (c) that defendant is not in military service and is neither a minor nor an
26 incompetent person; and
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1 (d) costs properly awardable by clerk (see invoices for cost of court filing fee
2 and cost of service of process attached as Exhibit B to the Declaration of Julie J.
3 Roback filed concurrently herewith).

4 3. Judgment to be entered.

5 Damages of \$1,000,000 loaned to Defendant pursuant to Loan Agreement;
6 Prejudgment interest authorized by Loan Agreement at 9 percent per annum
7 amounting to \$79,743.76 as of October 29, 2012 (details of calculation set forth in
8 Proposed Default Judgment and Declaration of Julie J. Roback filed concurrently
9 herewith);

10 Attorneys fees pursuant to Central District Local Rule 55-3 in the amount of
11 \$23,600 (\$5600 plus 2% of amount in excess of \$100,000 (i.e. \$900,000.));

12 Costs (as set forth in the Declaration of Julie J. Roback) of \$503.86.

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14 Dated: October 29, 2012

VALLE MAKOFF LLP

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16 By: /s/ Jeffrey B. Valle
17 Jeffrey B. Valle
18 Attorneys for Plaintiff
19 Taras Volgemut
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